

Our Reference: AKI-104-B

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Niko Drakoulis et al
Serial Number: 09/903,129
Filing Date: July 11, 2001
Examiner/Art Group Unit: Unknown/2644
Title: WIRELESS AUDIO TRANSMISSION
METHOD AND APPARATUS FOR
COUPLING AUDIO PLAYERS TO AUDIO
RECEIVERS

DECLARATION IN SUPPORT OF PETITION TO MAKE SPECIAL
UNDER RULE 37 CFR 1.102

Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

Sir:

I, William M. Hanlon, Jr., declare as follows:

1. I am a partner in the firm of Young & Basile, PC, 3001 West Big Beaver Road, Suite 624, Troy, MI 48084, attorney of record in the above-identified application.

2. I drafted and am familiar with the specification of patent application serial number 09/903,129, filed July 11, 2001, for WIRELESS AUDIO TRANSMISSION METHOD AND APPARATUS FOR COUPLING AUDIO PLAYERS TO AUDIO RECEIVERS.

3. After being informed on March 4, 2003 by Tammi Franke of Kima Wireless Technologies, Inc., the assignee of the present application, that an infringing device is being sold in the United States by Belkin Corporation under the name "TuneCast", I made a rigid comparison of the alleged infringing device and the novel subject matter of the application, and it is my opinion, that since said device uses the same circuit as that disclosed in the present application as shown in the FCC application filed by Belkin Corp., for the TuneCast product, the TuneCast product

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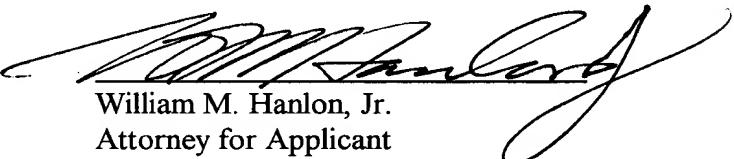
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would unquestionably infringe at least some of the claims of the present application on the invention.

4. I have a good knowledge of the pertinent art relating to the above-identified invention. This knowledge is based on novelty searches conducted by myself and prosecution of other applications of the assignee involving wireless communications. Copies of each reference deemed most closely related to the subject matter encompassed by the claims of the subject application has been previously cited and submitted to the United States Patent and Trademark Office.

The undersigned, William M. Hanlon, Jr., declares that: all statements made herein of my own knowledge are true and all statements made on information and belief are believed to be true; and these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and such willful false statements may jeopardize the validity of the application and any patent issuing thereon.

Date: 10/28/03


William M. Hanlon, Jr.
Attorney for Applicant